

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALICE HOWELL, Independent Administrator
of the Estate of JUSTUS HOWELL, deceased,

Plaintiff,

v.

No. 16-cv-03949

CITY OF ZION, a municipal corporation,
OFFICER ERIC HILL, (#47),

Defendants.

MOTION TO EXCLUDE PLAINTIFF'S EXPERT'S OPINIONS

NOW COME the Defendants, CITY OF ZION and OFFICER ERIC HILL, and move this Court pursuant to Rule 702 of the Federal Rules of Evidence, to exclude opinions of plaintiff's forensic expert, Ronald Scott, and in support of their Motion, state the following:

1. Filed in support of this motion are the following:
 - (a) Ronald Scott's Report pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure (Exhibit A);
 - (b) The deposition of Ronald Scott (Exhibit B);
 - (c) The deposition of defendant Eric Hill (Exhibit C);
 - (d) Rule 26(a)(2) Report of defendants' forensic expert, James Borden (Exhibit D);
 - (e) Deposition of James Borden (Exhibit E);
 - (f) Video of incident (Exhibit F);
 - (g) Sources - (Group Exhibit G) - Investigative Journal Sciences Article (Exh. G-1); Excerpts from Haag & Haag (Exh. G-2); Article (Exh. G-3); Article (Exh. G-4);
 - (h) Photo of Howell's gun (Exhibit H);
 - (i) Photo of Scene (Exhibit I).

2. Scott offers a reconstruction of the shooting incident giving rise to the lawsuit designed to discredit defendant Officer Hill's version of the event. Scott offers the following opinions to support his reconstruction:

- (a) the video of defendant Hill's foot pursuit and shooting of the decedent, Justus Howell (Exhibit F), does not show Howell turning in Hill's direction as described by Hill at his deposition;
- (b) the video does not show a gun in Howell's hand as he flees on foot from Hill, but does show a gun in Hill's hand as he pursues Howell;
- (c) the video disputes Hill's testimony about when he first drew his gun;
- (d) the location of bullet casings found at the scene after the shooting dispute Hill's testimony about where he was located when he fired the shots;
- (e) the bullet entry wounds and angles, based on the autopsy of Howell disputes Hill's testimony about when and where he shot Howell;
- (f) the testimony of Zion Police Officer Gildea regarding where he was located when he heard gun shots is inconsistent with Hill's testimony regarding where he was located when he fired his gun.

3. Based on the reasons set forth in defendants' supporting Memorandum of Law, all of the foregoing opinions are unreliable and/or irrelevant, and should be excluded.

WHEREFORE, the Defendants CITY OF ZION and OFFICER ERIC HILL, pray that this Court exclude the opinions of Plaintiff's expert, Ronald Scott.

Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C.

By: 

Thomas G. DiCianni

Thomas G. DiCianni / ARDC #03127041
tdicianni@ancelglink.com

ANCEL, GLINK, DIAMOND, BUSH, DiCIANNI & KRAFTHEFER, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
(312) 782-7606
(312) 782-0943 Fax

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2018, I electronically filed the foregoing **MOTION TO EXCLUDE PLAINTIFF'S EXPERT'S OPINIONS** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to

Andrew M. Stroth
Action Injury Law Group, LLC
191 North Wacker Drive / Suite 2300
Chicago, IL 60606
astroth@actioninjurylawgroup.com

Carlton Odim
Odim Law Offices
225 West Washington Street / Suite 2200
Chicago, IL 60606
codim@actioninjurylawgroup.com
carlton@odimlawoffices.com

Craig Benson Futterman
Mandel Legal Aid Clinic
6020 South University Avenue
Chicago, IL 60637
futterman@uchicago.edu

/s/ Thomas G. DiCianni
THOMAS G. DiCIANNI / ARDC # 03127041
One of the attorneys for Defendants

ANCEL, GLINK, DIAMOND, BUSH,
DICIANNI & KRAFTHEFER, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, Illinois 60603
Telephone: (312) 782-9183
Facsimile: (312) 782-0943
E-Mail: tdicianni@ancelglink.com